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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,246	02/27/2004	Guenter Jokschas	037141.53216US	1271

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EXAMINER

PHAM, MINH CHAU THI

ART UNIT PAPER NUMBER

1724

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/787,246

Applicant(s)

JOKSCHAS ET AL.

Examiner

Minh-Chau T. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaupp (4,502,955), in view of Daniels (4,822,387).

Schaupp discloses a fuel filter (col. 1, lines 4-6) comprising a housing (12) with at least one filter (28) therein so as to separate an unfiltered side (48) from a clean side (49) and the housing (12) having an inlet opening (14) into the unfiltered side and an outlet opening (16) from the clean side and at least one filter element (28) being situated in the housing (12) in a flow path between the unfiltered side and the clean side, wherein the first and second devices (82, 83) of separating and draining of water are provided, respectively, on the unfiltered side (48) and on the clean side (49) of the filter (see Fig. 1, col. 2, lines 14-18, col. 3, lines 1-26, col. 4, lines 60-65). Schaupp further discloses the first and second collecting chambers (48 and 49) arranged coaxially with the water drain plug (79) and a gasket being a sealing ring which is held by a water drain plug between two contacting surfaces (col. 4, lines 60-65). Claims 1-7 and 15 differ from the disclosure of Schaupp in that there is an enclosure situated on the clean side for collecting water with an opening leading to the exterior of the housing. Daniels discloses filter assembly comprising a housing (61, 75) with filter elements (30, 32) housed inside, and there is a collecting chamber on the unfiltered side and a collecting chamber on the clean side (see details of Fig. 4) with an opening (74) to drain water. It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to provide a collecting chamber with a draining device on the clean side as taught by Daniels in the apparatus of Schaupp in order to effectively separate contaminants such as water from fuel being supplied to an engine.

Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaupp (4,502,955), in view of Daniels (4,822,387), and further in view of Hoffman et al (3,418,789).

Claims 8-14 call for the gasket held on a pin attached to a plunger and is pressed by a spring. Hoffman et al disclose a liquid discharge mechanism having a gasket (118) held on a piston or plunger and is pressed by a spring (140) (see col. 5, lines 1-9 and line 49 through col. 6, line 45). It would have been obvious to a person having ordinary skill in the art at the invention was made to adopt the liquid discharge mechanism as taught by Hoffman et al in the filtration apparatus of Schaupp and Daniels in order to receive and store undesired liquid and automatically discharge the liquid to waste as it accumulates beyond a predetermined maximum quantity.

### ***Response to Amendment***

Applicant's arguments filed on August 15, 2005 have been fully considered but they are not persuasive.

Applicant amends independent claim 1 to include "an enclosure situated on the clean side of collecting water having an opening leading to the exterior of the housing" and argues that such feature is not disclosed by any cited prior arts. The Examiner maintains Schaupp as the primary reference and newly introduces Daniels (4,822,387) as the secondary reference and rejects claims 1-15 under 103 rejections to show a filter

assembly comprising a housing (61, 75) with filter elements (30, 32) housed inside, and there is a collecting chamber on the unfiltered side and a collecting chamber on the clean side (see details of Fig. 4) with an opening (74) to drain water, as claimed. Figure 4 of Daniels clearly shows the arrow of unfiltered fluid flow entering an inlet (65) going through a filter (30), the filtered fluid then flow through the clean side through another filter (32) where the liquid is collected via a collecting chamber located beneath the filter (32) wherein the chamber has a drain (74) for draining the liquid to the exterior of the housing (75) (please follow the fluid flow arrow direction in Fig. 4, col. 5, lines 24-45 and line 67 through col. 6, line 3). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a collecting chamber with a draining device on the clean side as taught by Daniels in the apparatus of Schaupp in order to effectively separate contaminants such as water from fuel being supplied to an engine.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Minh-Chau Pham**  
**Patent Examiner**  
**Art Unit: 1724**  
**October 20, 2005**